

AMENDED IN SENATE APRIL 27, 2004

**SENATE BILL**

**No. 1730**

---

**Introduced by Senator Johnson**  
**(Coauthors: Senators Escutia and Murray)**

February 20, 2004

---

An act to amend Sections 316, 340, 1000, 1001, 1201, 1202, 6180, and 6952 of the Elections Code, and to amend Section 84200.4 of the Government Code, relating to primary elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1730, as amended, Johnson. Primary elections.

Existing law requires that the statewide direct primary election be held on the first Tuesday in March in each even-numbered year. It requires that, in any year evenly divisible by the number 4, the statewide direct primary election be consolidated with the presidential primary held on the first Tuesday in March in those years.

This bill would instead require that the statewide direct primary election be held on the ~~last~~ *first* Tuesday *after the first Monday* in June of each year. By requiring a higher level of service by local elections officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 316 of the Elections Code is amended  
2 to read:

3 316. “Direct primary” is the primary election held on the last  
4 Tuesday in June in each even-numbered year, to nominate  
5 candidates to be voted for at the ensuing general election or to elect  
6 members of a party central committee.

7 SEC. 2. Section 340 of the Elections Code is amended to read:

8 340. “Presidential primary” is the primary election that is  
9 held on the ~~last Tuesday~~ *first Tuesday after the first Monday* in June  
10 in any year which is evenly divisible by the number four, and at  
11 which delegations to national party conventions are to be chosen.

12 SEC. 3. Section 1000 of the Elections Code is amended to  
13 read:

14 1000. The established election dates in each year are as  
15 follows:

16 (a) The second Tuesday of April in each even-numbered year.

17 (b) The last Tuesday in June of each odd-numbered year.

18 (c) The ~~last Tuesday~~ *first Tuesday after the first Monday* in June  
19 in each even-numbered year.

20 (d) The first Tuesday after the first Monday in November of  
21 each year.

22 SEC. 4. Section 1001 of the Elections Code is amended to  
23 read:

24 1001. Elections held in June and November of each  
25 even-numbered year are statewide elections and these dates are  
26 statewide election dates.

27 SEC. 5. Section 1201 of the Elections Code is amended to  
28 read:

29 1201. (a) The statewide direct primary shall be held on the  
30 ~~last Tuesday~~ *first Tuesday after the first Monday* in June of each  
31 even-numbered year.

32 (b) Notwithstanding subdivision (a), in any year which is  
33 evenly divisible by the number four, the statewide direct primary

shall be held on the last Tuesday in June and shall be consolidated with the presidential primary held in that year.

SEC. 6. Section 1202 of the Elections Code is amended to read:

1202. The presidential primary shall be held on the ~~last Tuesday~~ *first Tuesday after the first Monday* in June in any year evenly divisible by the number four.

SEC. 7. Section 6180 of the Elections Code is amended to read:

6180. At least 68 days before a presidential primary election, the Secretary of State shall transmit to each county elections official a certified list containing the name of each candidate who is entitled to be voted for on the ballot at the presidential primary, and the name of each chairperson of a steering committee of an uncommitted delegation who is to be voted for on the same ballot.

If no uncommitted delegation has qualified pursuant to Article 4 (commencing with Section 6060), the Secretary of State shall inform the county elections officials to provide for an uncommitted delegate space on the ballot.

The certified list shall be in substantially the following form:

Certified List of Presidential Candidates and Uncommitted Delegations

To the County Elections Official of \_\_\_\_ County:

I, \_\_\_\_, Secretary of State, do hereby certify that the following list contains the name of each person who is entitled to be voted for as a candidate of the Democratic Party at the presidential primary election to be held on the \_\_\_\_ day of June, 20\_\_, and the name of each chairperson of a steering committee of an uncommitted delegation which is entitled to be voted for on the ballot.

List of Presidential Candidates and Uncommitted Delegations

Linda Adams

Joseph Black

John Reardon

Unpledged delegation

Paul Minor,

Chairperson

1 Dated at Sacramento, California, this \_\_\_\_ day of \_\_\_\_, 20\_\_.

2 \_\_\_\_\_  
3 (SEAL) Secretary of State

4  
5 SEC. 8. Section 6952 of the Elections Code is amended to  
6 read:

7 6952. The certified list required by Section 6951 shall be in  
8 substantially the following form:

9  
10 CERTIFIED LIST OF CANDIDATES FOR PRESIDENTIAL  
11 PREFERENCE PRIMARY AND CANDIDATES FOR  
12 NATIONAL CONVENTION DELEGATE

13  
14 To the County Elections Official of \_\_\_\_ County:

15 I, \_\_\_\_, Secretary of State, do hereby certify that the names of  
16 the candidates to appear on the June \_\_\_\_, 20\_\_, Peace and  
17 Freedom Party presidential preference primary ballot, in the order  
18 in which they are to appear, are:

19 \_\_\_\_\_  
20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 etc.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
etc.

23  
24 I further certify that the following list contains the name and  
25 post office address of each person who is entitled to be voted for  
26 at the June \_\_\_\_, 20\_\_, Peace and Freedom Party presidential  
27 primary election as a candidate for delegate to the next national  
28 convention of the \_\_\_\_ Party with which the Peace and Freedom  
29 Party of California is affiliated on the national level. I further  
30 certify that the groups of candidates for delegate each appear under  
31 the name of the person for whom the group has expressed a  
32 preference as nominee of the Peace and Freedom Party for  
33 President, or under the name of the group chairperson in case of  
34 a group not expressing a preference, and that the groups are listed  
35 in the order in which they are to appear on the national convention  
36 delegate portion of the Peace and Freedom Party presidential  
37 primary ballot.

LIST OF CANDIDATES FOR NATIONAL CONVENTION  
DELEGATE

PEACE AND FREEDOM PARTY

Candidates  
preferring

Name

Address

Top of group

1 \_\_\_\_\_

\_\_\_\_\_

2 \_\_\_\_\_

\_\_\_\_\_

3 \_\_\_\_\_

\_\_\_\_\_

etc.

etc.

Candidates expressing  
no preference  
(Name of chairperson)

Name

Address

Top of group

1 \_\_\_\_\_

\_\_\_\_\_

2 \_\_\_\_\_

\_\_\_\_\_

3 \_\_\_\_\_

\_\_\_\_\_

etc.

etc.

Dated at Sacramento, California, this \_\_\_\_ day of \_\_\_\_, 20\_\_.

(SEAL)

Secretary of State

SEC. 9. Section 84200.4 of the Government Code is amended  
to read:

1 84200.4. In addition to other reports required under this  
2 chapter, campaign statements shall be filed as follows in  
3 connection with a statewide direct primary election held in June of  
4 an even-numbered year or any other election held on that date:

5 (a) For the period ending September 30 of the year prior to the  
6 election, a statement shall be filed no later than October 10 for the  
7 period ending September 30.

8 (b) For the period ending December 31 of the year prior to the  
9 election, a statement shall be filed no later than January 10 of the  
10 year of the election.

11 SEC. 10. Notwithstanding Section 17610 of the Government  
12 Code, if the Commission on State Mandates determines that this  
13 act contains costs mandated by the state, reimbursement to local  
14 agencies and school districts for those costs shall be made pursuant  
15 to Part 7 (commencing with Section 17500) of Division 4 of Title  
16 2 of the Government Code. If the statewide cost of the claim for  
17 reimbursement does not exceed one million dollars (\$1,000,000),  
18 reimbursement shall be made from the State Mandates Claims  
19 Fund.

